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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,399	05/25/2000	Christopher E. Pearce	062891.0408	7429
7590 10/21/2005			EXAMINER	
Baker Botts L L P 2001 Ross Avenue Dallas, TX 75201-2980			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. **09/579,399**

Applicant(s)

PEARCE, CHRISTOPHER E.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9 and 12-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12-14, 16-33 and 35-60 is/are rejected.
- 7) ☒ Claim(s) 15 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Arguments

Applicant's arguments, filed September 21, 2005, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the indicated allowability of claims 9, 11, 13-14, 23, 42, 50 and 58 is withdrawn and a new ground(s) of rejection is made in view of Riskin.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-9, 12-14, 16-33 and 35-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oran (US 6,275,574) in view of Riskin (US 4,757,267).

1. Regarding claims 1, 7-9, 12-14, 16-21, 23-28, 33, 35-36, 42-48, 50-56 and 58-60, Oran discloses a method of routing calls using dialed number (digit) partitions (fig. 2a; fig. 3, item 32; col. 5, lines 40-50). The method comprises receiving a call request at a call manager (fig. 1, item 18 or 28) from a first device coupled to a packet based network (fig. 1), accessing a dialing partition table based on a partition search space associated with the first device (col. 5, lines 40-50), determining a routing target associated with a telephone number (col. 5, lines 40-46), and communicating the call request to the routing target (col. 6, lines col. 6, lines 56-67). Further regarding claims 45-48 and 51-52, the method is inherently performed using software (fig. 1, item 18, 26 and 28).

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2. However, Oran does not disclose dialing partition tables having a number for a long distance call. Riskin discloses dialing partition tables within a partition space having a long distance telephone number (col. 5, lines 31-45; note: the call to the 1-800 number is routed differently based on the location of the caller; fig. 2, item 36; col. 11, lines 40-44). Further regarding claims 23, 42, 50 and 58, a first number from a list of numbers is chosen (col. 4, lines 9-11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide different routing targets based on a dialing partition space in the invention of Oran in order to route a call to a local destination (Riskin, col. 4, lines 4-11).

3. Regarding claims 2-5 and 29-32, non-IP telephony devices (fig. 1, item 14) utilizing a gateway (item 18) and IP telephony devices (item 24) are in the network.

4. Regarding claims 22, 37-41, 49 and 57, a best phone number match is found for routing (col. 6, lines 56-67).

Allowable Subject Matter

5. Claims 15 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

October 15, 2005

Seema S. Rao
10/17/05
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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800